



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,792	08/18/2003	Cheng-Hsien Lin	13895 B	3682

7590

11/15/2005

CHARLES E. BAXLEY, ESQUIRE
Third Floor
90 John Street
New York, NY 10038

EXAMINER

ALI, SHUMAYA B

ART UNIT	PAPER NUMBER
----------	--------------

3743

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,792

Applicant(s)

LIN, CHENG-HSIEN

Examiner

Shumaya B. Ali

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 15 is/are rejected.
7) ☒ Claim(s) 2-14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: detailed action.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. it is not clear from the disclosure how the “stretching force provided by the stretching mechanism imparted to the leg rest device is greater than a pulling stress of the first elastic element” is obtained/possible.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over See US Patent No. 5,989,168 in view of Eazor US Patent No. 6,575,884B1.

As to claim 1, See in figures 1-3 discloses an exercise bed comprising: a front frame (1), at least one front leg (3) being attached to the front frame; a rear frame (2), at least one rear leg (4) being attached to the rear frame; a front mattress mounted on the front frame and a rear mattress mounted on the rear frame (front and rear mattresses are respectively associated with the front and rear frame as depicted in figure 1); a leg rest device (6) mounted to the rear frame and movable relative to the rear frame along the longitudinal direction of the bed, the legrest being

Art Unit: 3743

adapted to position feet of the user, a first elastic element (8) having a first end attached to the rear frame and a second end attached to the legrest device, wherein when a stretching force provided by the stretching mechanism imparted to the legrest device is greater than a pulling stress of the first elastic element, the first elastic element is pulled and thus moves the legrest device along the longitudinal direction relative to the rear frame, and a returning force of the first elastic element buffering the stretching movement (the underlined limitation is not given weight due to 112 matter stated above), **however does not disclose a stretching mechanism including two handles mounted in front of the front frame for a user's gripping, the handles being movable along a longitudinal direction of the bed. However, such limitations are well known in the art and also taught in the reference to Eazor. Eazor teaches an exercising apparatus with two handles (figure 1, 16,17) mounted on a frame for a user's gripping and the handles are further movable along a longitudinal direction (col.6 lines 53-56).**

Therefore, it would have been obvious to one of ordinary skills in that art at the time of the invention to modify the device of See in view of Eazor to include a stretching mechanism for the purposes of exerting force toward knees or chest.

As to claim 15, See discloses the bed further including an intermediate frame (1A) mounted between the front frame and the rear frame, the front frame including an end pivotally connected to the intermediate frame, the rear frame including an end pivotally connected to the intermediate frame.

Claim Objections

Art Unit: 3743

3. Claims 2--14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

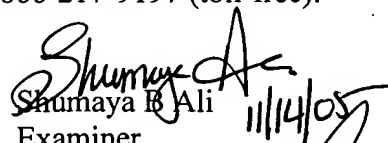
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5,665,041 discloses slidable hand grips used with an exercise apparatus, US Patent 6,363,556 discloses actuation mechanism used with an articulating bed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shumaya B. Ali
Examiner
Art Unit 3743
11/14/05


Henry Bennett
Supervisory Patent Examiner
571-272-4791